

CULBERTSON, WEISS, SCHETROMA AND SCHUG, P.C.
201 Chestnut Street, Suite 200
Meadville, Pennsylvania 16335
(814) 336-6400

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Voices for Independence and, Paul
Pecunas; on behalf of themselves and
all others similarly situated,

Plaintiffs

v.

City of Meadville, Pennsylvania,

Defendant

Civil Action No: 04-328 Erie

Hon: Sean McLaughlin, United States
District Judge:

MOTION FOR EXTENSION OF THE CASE MANAGEMENT ORDER

Now, October 4, 2005, comes counsel for the Defendant in the above captioned action and move the court as follows:

1. On February 15, 2005, this Court entered a case management order, setting time limits for pretrial procedures. The time for completion of discovery was set for August 15, 2005 and dispositive motions was set for September 5, 2005 with responses to the dispositive motions set for September 25, 2005.
2. On August 12, 2005, this Court entered an Order Extending Time for Discovery and Pretrial Procedure extending discovery to September 14, 2005 and dispositive motions until October 4, 2005 with responses due October 25, 2005.
3. Both the parties and their counsel entered in-depth settlement discussions which resulted in an agreement known as the Second Consent Decree.
4. On September 2, 2005, this Court entered the Second Consent Decree agreed to by the parties.
5. This Second Consent Decree sets specific standards and performance requirements for the parties for future construction of curb ramps along with timetables for Defendant to perform some of its obligations including filing certain reports with this Court and with Plaintiffs along with other responsibilities of the parties.
6. This Second Consent Decree provides certain timetables for the parties to negotiate over retrofitting of curb ramps and provides procedures to resolve disputes relating to retrofitting of curb ramps.

7. This Second Consent Decree leaves jurisdiction of this matter with this Court until the last curb ramp is retrofitted and preserves certain claims and defenses for both parties.
8. Recently, counsel for Defendant became aware that there is no Order of Court removing this case from either the timelines set for discovery and other pretrial procedure set forth under the Case Management Order of February 15, 2005 and the Order of September 2, 2005 or an Order of Court removing this case from its eventual placement on a trial list.

Wherefore, counsel for Defendant move the Court to enter the accompanying proposed order, extending the deadlines for discovery and other pretrial procedures until either party requests that this case proceed or until the expiration of the Second Consent Decree.

CULBERTSON, WEISS, SCHETROMA & SCHUG, P.C.

By: s/ David L. Hotchkiss

David L. Hotchkiss, Esquire

Attorneys for Defendant

201 Chestnut Street, Suite 200

Meadville, PA 16335